

November 26, 2018

Mr. David Briglio
Towson High School Sports Boosters
800 Ridgeleigh Road
Baltimore, MD 21212

Re: Towson High School Bleachers
Forest Conservation Variance
Tracking #05-18-2851

Dear Mr. Briglio:

A request for a variance from the Baltimore County Code Article 33 Environmental Protection and Sustainability, Title 6 Forest Conservation was originally received by this Department on November 9, 2018. The request seeks a variance to base afforestation requirements on the 2,000-square foot limit of disturbance (LOD) rather than the entire 28.8-acre site in order to complete the installation of new bleachers for the athletic field. This installation will include the grading required for the placement of a 1,710-square foot concrete pad to support the bleachers.

The Director of the Department of Environmental Protection and Sustainability (EPS) may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of all beneficial use of the property. The applicant is seeking to improve the school's existing athletic facility with additional seating for spectators and the marching band. As the property has already long been functioning as a high school and athletic field, full application of the law would not deprive the applicant of all beneficial use of the property. Consequently, we find that this criterion has not been met.

The second criterion (Subsection 33-6-116 (d) (2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions of the neighborhood. The petitioner's plight is due to unique budgetary

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circumstances not associated with general conditions of the neighborhood. Therefore, we find that the second criterion has been met.

The third criterion (Subsection 33-6-116(d) (3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. The high school and athletic field have been long standing uses in this predominantly residential neighborhood, and the small bleacher project will not affect its character. Therefore, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116(e) (1) of the Code) requires that the granting of the special variance will not adversely affect water quality. While the bleachers are proposed to be constructed within the Forest Buffer associated with a nearby stream, no steep slopes, forest, wetlands, or floodplains will be impacted. The project applicant is concurrently seeking a variance to the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains, which if granted, will contain conditions to protect water quality onsite. Moreover, erosion and sediment control measures will be properly installed prior to construction of the bleachers. Therefore, this Department finds that the proposed variance will not adversely affect water quality. Consequently, this criterion has been met.

The fifth criterion (Subsection 33-6-116(e) (2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has not taken any actions resulting in conditions or circumstances necessitating this special variance prior to its request. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33, Title 6 of the Baltimore County Code. No forest or specimen trees will be impacted by the bleacher construction, and water quality will be protected. Additionally, the project is a minor disturbance of less than 0.05 acre. Therefore, we find that this variance is consistent with the spirit and intent of Article 33, Title 6 of the Baltimore County Code and that this criterion has been met.

Based on our review, this Department finds that all required variance criteria have been met. Therefore, the requested variance is hereby approved in accordance with Section 33-6-116 of the Baltimore County Code contingent on the following conditions:

1. A Forest Conservation Plan containing two Forest Conservation Worksheets, one based on the bleacher project's LOD and the other based on the entire site, shall be approved by EPS staff prior to grading plan approval or permit issuance, whichever comes first.

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2. The following note must be on all subsequent plans for this development project:

“A variance was granted on November 26, 2018 by Baltimore County Dept. of Environmental Protection & Sustainability to allow afforestation requirements to be based on the 2,000-square foot limit of disturbance for the proposed bleacher installation rather than the entire 28.8-acre property. Conditions were placed on this variance to ensure that the spirit and intent of the Forest Conservation Law were met.”

3. This variance approval results in no afforestation requirement for the bleacher project, as its LOD is so small. However, this variance does not exempt future development activities or removal of specimen trees at this site from compliance with Baltimore County’s Forest Conservation Law.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the party responsible for meeting the conditions of this variance sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please call Ms. Libby Errickson at (410) 887-3980.

Sincerely yours,

David V. Lykens
Deputy Director

DVL/lbe

- c. Ms. Pamela Strickland, Baltimore County Public Schools

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I/we agree to the above conditions to bring my/our property into compliance with
Baltimore County's Forest Conservation Law.

School Representative's Signature Date

Printed Name